

REMARKS

Applicants Statement of Substance of Interview

Applicants wish to express appreciation to Examiner Vikkram Bali for the courtesy of a personal interview which was granted to Applicants' representative Michael Faibisch (Reg. No. 48,427) at the USPTO on February 21, 2006. The Examiner's statement of the substance of the interview is set forth in the Interview Summary, numbered Paper No. 20060221. During the interview, sufficiency of Applicants' proposed 'Supplementary Declaration', that is intended to supplement Applicants' Declaration under 37 CFR 1.131, submitted with Applicants Amendment mailed on August 11, 2005, was discussed. In the interview, the Examiner indicated that the Supplementary Declaration appears to address deficiencies pointed out in the Office Action mailed on January 9, 2006, however further consideration of the Supplemental Declaration is required. Moreover, as noted in the relevant part of the Examiner's Interview summary, "Once or if this 'Supplemental Declaration' is approved the rejection under 35 USC 102 and 103 (the art of record) will be withdrawn".

General Remarks

Claims 1 – 16 are pending in the application.

Applicant has carefully studied the outstanding Office Action in the present application. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Declaration Under 37 C.F.R. 1.131

The Declaration under 37 C.F.R. 1.131, submitted with Applicants' response filed on August 11, 2005, was deemed insufficient to establish Applicants' alleged actual reduction to practice of the invention in the United States or a WTO member country prior to the effective date of the DeYoung et al. (6,577,757) reference, because the affidavit or declaration must show completion of the invention by all of the joint inventors of the subject matter of the claims under rejection.

Applicants submit herewith a supplementary declaration supplementing their previous declaration under 37 C.F.R. 1.131, submitted with Applicants' response filed on August 11, 2005. The supplementary declaration remedies the above noted deficiency because it clarifies that although only co-inventor Shmuel Rippa appears as the author of the supporting documentation, in accordance with policy at the time for the project in connection with which the Documentation was written, the only person whose name appears on internal system documentation (such as the documentation supporting the declaration filed under 37 C.F.R. 1.131) is that person who actually wrote the document, notwithstanding that other members of a development team contributed to development of the system.

In addition it is respectfully noted that the other grounds for rejection of the declaration, namely that other co-inventors are part of the team that reduced to practice the invention, was an alleged deficiency in the Applicants' declaration under 37 C.F.R. 1.131 submitted with the response filed on December 13, 2004. This alleged deficiency was previously addressed in the declaration under 37 C.F.R. 1.131, submitted with Applicants response filed on August 11, 2005.

Claims Rejections

Claims 1, 3, 5, 7-9, 11, 13, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by DeYoung et al. (6,577,757).

Claims 2, 4, 6, 10, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeYoung et al. (6,577,757) as applied to claims 1, 3, 9, and 11.

DeYoung et al. describes a system and method for dynamic image recognition and was filed in the United States on July 28, 1999.

Applicants respectfully submit that DeYoung et al. is inapplicable for rejecting the invention described and claimed in the present application because Applicants reduced their invention to practice in a WTO country prior to the effective date of DeYoung et al., in view of the Declaration under 37 C.F.R. 1.131 submitted with Applicants response filed on August 11, 2005, and further in view of the Supplemental Declaration submitted herewith. As noted by the Examiner in the interview held on February 21, 2006, "Once or if this 'Supplemental Declaration' is approved the rejection under 35 USC 102 and 103 (the art of record) will be withdrawn".

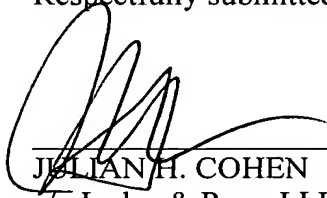
In view of the foregoing, Applicants respectfully request that the Examiner withdraw rejection of claims 1 – 16.

Conclusion and request for telephone interview

In view of the foregoing, this application is believed to be in order. Reconsideration and allowance of this application are respectfully solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 12-0425. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Julian H. Cohen', is written over a horizontal line.

JULIAN H. COHEN
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 20302
Tel. No. (212) 708-1887